

Has the Fourteenth Amendment Been Adopted?

To the Editor of the World:

SIR—A very singular proclamation was issued from the Department of State on July 10, 1900, in the form of a conditional manner that the proposed fourteenth amendment had been valid to all intents and purposes as if it had been adopted by Congress. It is not true that the Secretary of State will not undertake to say so or not true. It is a precedent event in our constitutional history. It is a very serious pause. For the first time since we have a Constitution, the high officer whose duty it is to announce the final adoption of amendments to the Constitution is unable or unwilling to say with certainty on the public facts before him that the amendment has been duly ratified by the requisite number of States, or not. Whether the want of a positive official announcement, by way of a precedent, is a precedent, is a precedent, is conclusive against the validity of the adoption supposed to have taken place. In this instance, it is perhaps not

necessarily to inquire. A law enforcement official announced that there is a question respecting this matter; and a novel situation leads to inquiry into grounds of the doubt. How it happens that there should be a doubt, what the doubt is, and how it should be solved are very grave matters.

The facts of the case are these: The

The ratifications of at least twenty-sev-

amendment, 117 the twenty-third State consisting of Connecticut, New Hampshire, Tennessee, New Jersey, Oregon, California, Nevada, Idaho, Utah, Montana, West Virginia, Kansas, Maine, New Missouri, Indiana, Minnesota, Rhode Island, Massachusetts, Nebraska and Nevada, which has ratified the amendment to the constitution, 117 the twenty-fourth State, namely, Ohio and New Jersey, which ratifications betore any of the remaining States had acted. If that will be the light in which the amendment of the above recited, are 23; If it be that of those above recited, are 25; If it be not rightful, they are 25. In either case, Florida, North Carolina, Louisiana, South Carolina and Alabama, Tennessee, Mississippi, Georgia, Louisiana, and the other States, are opposed to the adoption of the amendment. Ohio and New Jersey are not in the

counted, four out of the six are sufficient to make up the requisite number of States. It is a matter of fact whether Ohio and New Jersey are counted or not counted as ratifying States. The amendment is valid inasmuch as which this amendment has been ratified by twenty-seven States, unless the ratifications were valid which have been given to the amendment by the States. Congress reconstructed under acts of the States by the military power of the United States.

The Secretary of State, after revisiting the course of events, and after reflecting that the law under which he acts is the law of the United States, has concluded that the ratifications of Ohio and New Jersey should be or have been validly withdrawn, or whether "the newly created States of Ohio and New Jersey are to be counted as ratifying States."

allowing themselves to be acting as Legislatures" of the six Southern states. He then said that he would not act on the proposed amendment, but nonetheless proceeds to announce that if the States of Ohio and New Jersey are to be admitted on a ratification basis, then, understanding their withdrawal, then the amendment has become valid to all the States. He then said that he was not constitution; thus appearing to decide the validity of the very questions which he said the former part of his proclamation was intended to leave open. He then said he did not know whether he intended to be understood as expressing the opinion, that the States of Ohio and New Jersey are "newly constituted," and which shall call "newly constituted," and which shall call *precedent* legislatures, valid, and at the same time to say that he was not going to pass upon that question. By the text

of his proclamation he has expressed opinion officially that the amendment has been duly adopted, if the withdr-

als of Ohio and New Jersey of their previous ratifications are to be disregarded, that it is not legal for any man to take the oath of office as Governor of Ohio, until he is elected or appointed, or counted in or counted out, if the ratifications of the pretended legislatures of Ohio and New Jersey to the new constitution have been adopted; otherwise it has not been. In this aspect of the controversy, the people of Ohio are at liberty to examine the subject, for themselves or others; and considering the peculiar character of the subject, and the importance of the question, before any public body, tribunal or official, they may have to act upon it, and before any judicial tribunal.

When the framers of the Constitution provided for its amendment by the Legislature, they carefully avoided every species of coercion in the process of reaching

request three-fourths, not from the States, but from the Congress, in binding on all the States after it had been adopted by three-fourths of the States. In the event of a ratification, they left every State perfectly free to ratify or to reject. They provided no mode by which a Legislature could propose an amendment, and they did not give the Congress the power to influence the Congress that had proposed an amendment; and they did not give the Congress the power of dictating that a State should gain or lose anything in the way of Federal privileges by assenting to or rejecting an amendment. It would seem, therefore, to be a sound general proposition, that the power of proposing amendments should have been procured by Congressional action, and that the original erection of a Legislature should be specially constructed to bring about such a result.

of the Federal Constitution, and with the State has been told that until it re-

ties that amendment it shall not be a law, and that the President has been used, in fraud of the freedom of the State and of the rights of other States, to force Congress to pass this proposition were not true, what would prevent Congress, having the power to propose amendments, from settling the question by a vote, and not being constrained to carry an amendment, from saying to any existing legislation, "I will not say that you shall be retired from the Union?" Nothing but pretext for "reconstructing" the South would be needed, and if recent precedents will furnish such pretexts, they can be easily found.

The process by which these "new" amendments are introduced, as the Earl calls them, have become a salient feature of the several Southern States, and a source of great interference by Congress, for the

pose of packing a Legislature that would ratify a certain proposed amendment to the Constitution of the United States.

In support of this assertion let it be remembered that the fourteenth amendment was proposed by Congress in June of 1866, and that the first "reconstruction act," before the end of February, 1867, it was rejected by the Senate of the United States, whose ratifications are claimed for it; and as only twenty of the remaining States had ratified it, it was held to be void. It was, however, changed, the prospect of its establishment without coercive measures was abandoned, and it was passed by Congress passed the first "reconstruction act." What was the object of this act? It was to lay down for the future the object was to compel the adoption of an amendment of the Federal Constitution, whereby universal suffrage should be secured to all those of the Southern States that re-

gress. Accordingly, the act proceeds to declare that there then were no

[illegible]

Legislature established under it & ratify the proposed fourteenth amendment.

of the constitution of the Council of Ministers, which was not a permanent body, because replaced by a number of States to make it a permanent body, which had duly complied with the conditions might be declared effective representation in Congress. It was supposed to stand in the way of the ratification of this scheme, the sixth goal of the scheme, which was not declared by the act to be "provisional only, and were subjected to "the action of the States, and might at any time to abolish, modify, or supersede the same".

This dependence and suspension of the scheme declared a manifest purpose of an alteration of the Constitution of the United States, and the plain could not be brought about

freedom of will. On the one hand radical leaders in Congress say

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Day's Record.

Table with 3 columns: Time, Location, and Event. Includes arrivals and departures of trains.

TELEGRAPHIC NEWS.

CANADA.

The ASSASSIN OF M'GEE.

TRIAL OF WHELAN.

CATHOLIC JURORS OBJECTED TO.

By Telegram to the Democrat.

OTTAWA, Sept. 6.—The trial of Whelan was resumed today, the coronator Jordan having been sworn in. Whelan was first directed to Lenoix. This brought him to town, and he pointed out the house where he was living at the time of the murder. J. J. McGee testified to Whelan's visit to his house on the night of the murder. Whelan was then taken to the jail, and the trial resumed.

WASHINGTON.

By Telegram to the Democrat.

WASHINGTON, Sept. 6.—The Secretary of War has directed that on the 20th proximo the office of chief muster be closed. The office of chief muster is now closed, and the office of chief muster is now closed.

ATLANTIC CABLE.

By Telegram to the Democrat.

PARIS, Sept. 6.—A dispatch from Madrid states that the Spanish government has decided to send a large number of troops to the front. The Spanish government has decided to send a large number of troops to the front.

NEW YORK.

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NEW YORK, Sept. 6.—The case against the Commissioner of the Internal Revenue, charged with robbing the treasury, was resumed today. The case against the Commissioner of the Internal Revenue, charged with robbing the treasury, was resumed today.

NEW HAMPSHIRE.

By Telegram to the Democrat.

CONCORD, Sept. 6.—The Democratic Convention of the State of New Hampshire was held today. The Democratic Convention of the State of New Hampshire was held today.

JEFFERSONVILLE ITEMS.

[Reported for the Louisville Democrat.]

WEDNESDAY, Sept. 6, 1893.

WHITE BOYS IN BLUE.

A large and enthusiastic meeting of the White Boys in Blue was held last night for the purpose of organizing into companies of White Boys in Blue. The meeting was held last night for the purpose of organizing into companies of White Boys in Blue.

AN EXAMPLE AND WARNING.

A box about five feet high, containing a large quantity of whisky, was found in the city. The box was found in the city, and it was found that it was a box about five feet high, containing a large quantity of whisky.

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FINANCE AND TRADE.

OFFICE OF THE LOUISVILLE DEMOCRAT.

WEDNESDAY, Sept. 6, 1893.

There was nothing of importance transpiring in financial circles today.

We take the following from the New York Times of the 5th:

The renewal of the Western demand for currency on several of the large banks of New York, and the consequent increase in the demand for currency, is a matter of some importance.

How a Fine Old English Lady Spoke French.

From the London Chronicle of the 5th.

There is one aged but active dame, who is a native of the old country, and who is a native of the old country, and who is a native of the old country.

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Democratic Convention.

Unanimously Adopted by the National Convention.

The Democratic Party, in National Convention assembled, has adopted the following platform:

First. Immediate restoration of all the rights of the Union under the Constitution to the people.

AMUSEMENTS.

Louisville Theater.

S. E. Corner Fourth and Green Streets.

ZORASTRE.

ON THE DWELLERS OF THE SEA.

GRAND MATINEE EVERY SATURDAY.

DANCING.

Parisian Dancing Academy.

AT WHELAN, 101, LEXINGTON AT.

MONS. AND MADAME MUELLER'S.

COMING, COMING!

THE LAST OF THE SEASON!

THE "BOSS" FALL SHOW!

Look Out for the Thoroughbred

Bill Lake's

HIPPOLYMPIAD!

AND

Mammoth Circus!

WILL EXHIBIT AT LOUISVILLE.

Corner East and Walnut sts.

FOR THREE DAYS ONLY

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Thursday Ev'g, Sept. 17.

At Half-past 7 O'clock.

ALL BAREBACK RIDERS.

Look out for a Flood.

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